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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,578	02/19/2004	Darel J. Reicks	1	4732
43031	7590	06/29/2006	EXAMINER	
THOMAS E. HILL EMRICH & DITHMAR, LLC 125 SOUTH WACKER DRIVE, SUITE 2080 CHICAGO, IL 60606-4401				HERRERA, JENNIFER
ART UNIT		PAPER NUMBER		
		3652		

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/782,578	REICKS, DAREL J.
	Examiner	Art Unit
	Jennifer P. Herrera	3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 February 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-11 is/are rejected.
 7) Claim(s) 1-11 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 27 June 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/9/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10" and "20" have both been used to designate the transport mechanism.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "10" has been used to designate both the elevator platform and the transport mechanism.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "70" in Figures 1, 4-5, and 7-8 & "80" in Figure 3.
4. The drawings are objected to because of the placement and usage of the reference numbers. The informalities of the drawings are defined as:
 - a. the reference number "10" is unclear to what is defining the platform,
 - b. the reference number "20" is unclear to what is defining the transport mechanism,

c. "78" in Figures 1, and 3-9, was not defined in the specification but 78a was.

It is understood for each figure where "78" is used should be replaced by "78a,"

the 1st pivot pin,

d. "60" in Figures 8 & 9 was not defined in the specification but "60a" was. It is

understood the each figure that uses "60" should be replaced by "60a," the 3rd

pivot pin,

e. in Figure 10, reference numbers "44b" and "46b" were reversed. "44b" is

defined as the 2nd track but is shown as the 1st roller. Respectively "46b" is

shown as the 2nd track,

f. in Figure 10 and 11, reference numbers "46b" and "46c" are used. Except

the reference numbers used to define the 1st and 2nd rollers respectively are

"46a" and "46b" not "46b" and "46c" as shown in the figures,

g. in Figure 12, reference numbers "62a", "62b", "64a", and "64b" are not

defined in the specification but "62" and "64" are defined. The language used in

the specification to have "62" and "64" respectively to "52a" and "54a" leaves an

undefined explanation of how a "b" section for "62" and "64" may exist.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities of reference numbers missing for :

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- a. the different platforms disclosed in page 6, line 15, page 7, line 22, page 9, line 6, page 10, line 22, page 11, lines 6 & 16, page 12, lines 7, 9 & 10, 13, 15-17, and page 13, lines 4 & 8,
- b. the trailer body "12" on page 7, line 18, page 8, line 8, page 11, line 13, page 12, line 10 & 22, and page 13, lines 4 & 5,
- c. the transport mechanism on page 8, lines 4, 9, 11 & 12, 14, page 9, lines 5, 9, 11, and page 10, line 3
- d. the rollers "46a" and/or "46b" on page 8, lines 13 & 15,
- e. the tracks "'44a" and/or "44b" on page 8, lines 14 & 15,
- f. for the different links on page 9, lines 12 & 13, 15 & 16, page 10, lines 1 & 9, and page 11, line 10,
- g. the ramp "76" on page 10, lines 21 & 22, and page 12, line 12,
- h. the hydraulic cylinders on page 9, line 2, page 12, line 20, and page 13, lines 10-12,
- i. and any other reference numbers not included with the disclosed part.

Appropriate correction is required.

Claim Objections

6. Claim 4 is objected to because of the following informalities: "each of each." The examiner understands the phrase to be "each of said" only. Appropriate correction is required.

7. Claims 1, 2, 4, 5, 7, 10, 11 are objected to because of the following informalities of the lack antecedent basis:

a. regarding claim 1, where in line 5, "a lower portion" is understood by the examiner to be the same lower portion as the one disclosed in the line above and not perceived to be a different lower portion, thus "said lower portion" should be used,

b. regarding claim 2, where in line 1, "said arms" is understood by the examiner to be angled arms disclosed in claim 1,

c. regarding claim 4, where in line 1, "each arms" as understood by the examiner should be the angled arms disclosed in claim 1, thus "said arms" should be used,

d. regarding claim 5, where in line 1, "a lower portion" as understood by the examiner should be the same lower portion disclosed in claim 1, line 4, thus "said lower portion" should be used,

e. regarding claim 10:

i. in line 2, "a folded position" as understood by the examiner should be replaced by "the folded configuration as disclosed in claim 1, thus "said folded position" should be used,

ii. in line 3, " an extended position" as understood by the examiner should be the same extended position from claim 1, thus "said extended position" should be used,

f. regarding claim 11:

i. in line 12, 14, and 17, "said platform" as understood by the examiner should be the flat platform disclosed in line 8, and

ii. in lines 12, 14, and 16, "said arms" as understood by the examiner should be the angled arms disclosed in line 10.

Appropriate correction is required.

Claim Rejections – 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

g. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1–11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding claim 1, it is unclear if this claim is a combination or subcombination claim. Note “trailer” in the intended use phrase in the preamble and “trailer” positively recited in the body of the claim. The preamble should be amended to positively claim the “trailer” to provide a combination or “attached” in lines 4 and 5 should be changed to “attachable” to provide a subcombination claim. Also if “attached” is changed then “is” in line 7 should be changed to “would be” and “an apparatus” inserted after “trailer” in line 3.

b. Regarding claims 2–10, “arrangement” in line 1 should be “apparatus”.

c. Regarding claim 11,

i. “a lower portion” in line 3 makes the claim unclear since the lower portion may be perceived to be interiorly in the lower portion of the vehicle and not exteriorly,

ii. “disposed below and mounted to the vehicle” in line 5 may be considered to be in the interior of vehicle, which makes the claim unclear.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1–8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Disque et al. (U.S. 4,579,503) (“Disque”) in view of Paulson et al. (U.S. 4,991,890) (“Paulson”), and further in view of Novotney et al. (U.S. 3,113,684) (“Novotney”).

a. Regarding claim 1, Disque discloses a side-wall opening on a trailer and a transport mechanism 10 attached to the undercarriage of the trailer in column 1, lines 65–59, column 2, lines 1–8, and column 3, lines 5–6 and 10–13.

Disque discloses a first hydraulic cylinder 28 connected to the trailer and transport mechanism. Disque also discloses angled arms 82 in column 2, lines 42–50. Disque continues to disclose a platform 70 pivotally connected to the angled arms 89 in column 4, lines 53–66. Disque fails to teach angled arms as displayed in application Figure 2. Paulson discloses the angled arms 24 in

Figure 1, and in column 2, line 8. Disque and Paulson fail to teach a pair of

angled arms and a 2nd hydraulic cylinder. Novotney discloses a pair of angled arms 12 and 13 in column 2, lines 3–10. Novotney also discloses a second hydraulic cylinder 15 in column 1, lines 71–72. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Paulson's angled arm, and Novotney's paired arms and hydraulic cylinder to Disque's apparatus to establish a well equipped side loading platform. Adding Paulson's rigid angled arms to Disque's device would have a stable support for vertical movement. Adding Novotney's paired angled arms and hydraulic cylinder would first add a stable support for vertical and horizontal movement and secondly add the feature of the configurations of the platform. Having the ability to retract and extend allows for the apparatus to have an easy storage position. Pivotal connecting every structural element allows the apparatus to adapt to any usage the platform may come in contact.

- b. Regarding claim 2, Paulson discloses the angled arms to form an obtuse angle in Figure 1 and column 2, line 8.
- c. Regarding claim 3, Novotney discloses tubular steel end sections in Figure 2.
- d. Regarding claim 4, Novotney discloses tubular steel angled arms (13) in Figure 2. Therefore it would have been obvious to a person of ordinary skill in

the art at the time of the invention to add Novotney's tubular steel to the device disclosed in claim 2 to ensure a durable material.

e. Regarding claim 5, Disque discloses tracks in column 2, lines 1-8 and lines 47-50.

f. Regarding claim 6, Disque discloses plural rollers to engage the displacement of the platform via the tracks in column 3, lines 64-68.

g. Regarding claim 7, Disque discloses a coupling link in column 4, line 53-66.

h. Regarding claim 8, Novotney discloses the 2nd hydraulic cylinder centrally positioned in Figure 1, and column 1 lines 71-72 and column 2 , lines 1-10.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Novotney's hydraulic cylinder to the apparatus disclosed in claim 1 to coordinate the movement of the angled arms to the hydraulic cylinder. The arms and cylinder are rotating upon the same axis.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Disque in view of Paulson in view of Novotney as applied to claim 1 above, and further in view of Perkins et al. (U.S. 4,007,844) ("Perkins"). Perkins discloses at least one chain 33 suspended from the trailer to the platform in Figure 1, and column 3, lines 14-16.

Therefore it would have been obvious to a person of ordinary skill in the art at the time

of the invention to add Perkins' chain to the apparatus disclosed in claim 1 to establish a secure lock system for the platform in the folded position.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Disque in view of Paulson in view of Novotney as applied to claim 1 above, and further in view of Ablabutyan et al. (U.S. 6,183,187 B1) ("Ablabutyan"). Disque discloses a ramp pivotally connected to the platform in column 4, lines 28–31. Ablabutyan discloses the ramp being foldable with respect to the platform in Figure 6 and column 3, lines 30–35. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Ablabutyan foldable ramp to the apparatus disclosed in claim 1 to have a space reducer during the folded position and an alleviator for loading and unloading cargo as an extension of the platform.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Disque in view of Paulson in view of Novotney, and further in view of Ablabutyan. Disque discloses a side loading trailer with a rail on the undercarriage of the trailer in column 2, lines 1–8 and lines 48–50. Disque also discloses a carriage 12, platform 11, and arms 82 and 89 in column 2, lines 42–50. Disque continues to disclose a coupling link 79 for the arms in column 4, lines 53–66. Disque finally discloses the 1st hydraulic cylinder 28 in column 2, lines 1–8. Paulson discloses the angled arms 24 in Figure 1

and column 2, lines 8. Novotney discloses the 2nd hydraulic cylinder 15 and the displacement of the paired angled arms 12 and 13 in column 1, lines 71–72, and column 2, lines 1–10. Ablabutyan discloses the foldable ramp in column 3, lines 30–35. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Paulson's angled arm, Novotney's hydraulic cylinder and paired arms, and Ablabutyan's foldable ramp to Disque's device to give a user a device easily movable for loading and unloading. Combining all of the structural elements of the inventors would resolve many of the limitations encountered during operation of prior arts. Adding Paulson's rigid angled arms to Disque's device would have a stable support for vertical movement. Adding Novotney's paired angled arms and hydraulic cylinder would first add a stable support for vertical and horizontal movement and secondly add the feature of the configurations of the platform. Adding Ablabutyan's foldable ramp to Disque's device would reduce space needed for the ramp for the undercarriage of the trailer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer P. Herrera whose telephone number is (571) 272-6269. The examiner can normally be reached on 0830-1700 hrs Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JPH
6/9/06



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